

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EUGENE HAMPTON,)
Plaintiff,)
v.)
JUDGE MICHAEL MULLEN,)
Defendant.)
No. 4:21-cv-00803-SRC

Memorandum and Order

This matter is before the Court upon review of a filing submitted by *pro se* plaintiff Eugene Hampton, an inmate at the St. Louis City Justice Center. While it appears that Hampton wishes to initiate a civil rights action, he has not paid the \$402 filing fee, nor has he filed an Application to Proceed in District Court Without Prepaying Fees or Costs that is accompanied by a certified copy of his inmate account statement. Additionally, the complaint is defective because it was not drafted on the Court's form. *See* E.D. Mo. Local Rule 2.06(A).

The Court will give Hampton the opportunity to file an amended complaint on the proper form, and to either pay the \$402 filing fee or file an Application to Proceed in District Court Without Prepaying Fees or Costs. If Hampton chooses to file an Application to Proceed in District Court Without Prepaying Fees or Costs, he must also file a certified copy of his inmate account statement for the six-month period immediately preceding the filing of the complaint.

Hampton is warned that the amended complaint will replace the original filing. *See e.g.*, *In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). He must prepare the amended complaint on the court-provided form, and he must follow Rules 8 and 10 of the Federal Rules of Civil Procedure. Rule 8 requires that the amended

complaint contain a short and plain statement of the claim showing entitlement to relief, and it also requires the averments therein to be simple, concise, and direct. Rule 10 requires Hampton to state his claims in separately numbered paragraphs, each limited as far as practicable to a single set of circumstances.

In the caption of the amended complaint, Hampton must provide the name of the defendant(s) he wishes to sue. He should also indicate whether he intends to sue each defendant in his or her individual capacity, official capacity, or both. In the “Statement of Claim” section, Hampton should begin by writing the defendant’s name. In separate, numbered paragraphs under that name, he should write a short and plain statement of the facts that support his claims, and the right(s) that defendant violated. Hampton must state what the defendant personally did or failed to do to harm him. If he names a single defendant, he may set forth as many claims as he has against that defendant. *See Fed. R. Civ. P. 18(a).* If Hampton names more than one defendant, he should only include claims that arise out of the same transaction or occurrence, or simply put, claims that are related to each other. *See Fed. R. Civ. P. 20(a)(2).*

If Hampton is suing more than one defendant, he should proceed in the same manner with each one, separately writing each individual defendant’s name and, under that name, in numbered paragraphs, the factual allegations specific to that particular defendant and the right(s) that defendant violated. Hampton should avoid naming anyone as a defendant unless that person is directly related to his claim for relief. The amended complaint will be subject to initial review under 28 U.S.C. § 1915(e)(2)(B), and Hampton’s failure to make specific and actionable allegations against any defendant will result in that defendant’s dismissal from this case.

Accordingly, the Court orders the Clerk to mail Hampton a copy of the Court’s prisoner civil rights complaint form and a copy of the Court’s Application to Proceed in District Court

Without Prepaying Fees or Costs form. No later than thirty days from the date of this order, Hampton must file an amended complaint on the Court's form. No later than thirty days from the date of this order, Hampton must also either pay the \$402 filing fee, or file an Application to Proceed in District Court Without Prepaying Fees or Costs. If Hampton files an Application to Proceed in District Court Without Prepaying Fees or Costs, he must also file a certified copy of his prison account statement for the six-month period immediately preceding the filing of the complaint. Failure to comply with this order will result in the dismissal of this action without prejudice and without further notice. If this action is dismissed for non-compliance with this order, such dismissal will not count as a "strike" under 28 U.S.C. § 1915(g).

So Ordered this 7th day of July, 2021.



STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE